

PATENT 13364

410

UNITED STATES DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

App. No. 09/752,502

Confirmation: N/A

Inventors: Martin J. Patko
Michael H. Burnam
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RECEIVED

AUG 16 2004

OFFICE OF PETITIONS

Filing Date: December 28, 2000

TC/A.U.: 1743

Docket: 13364

EXAMINER: Cole, Monique

Title:

PORTABLE CO-OXIMETER

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

ELECTING SPECIES I, claims 1-24 Without Traverse

Memorialization of Conversation of

July 21, 2004

Dear Madam:

This is an Amendment in the above-identified patent application in response to an Office Action dated February 10, 2003.

The Examiner was kind enough to spend some time with me in helping secure the office action restriction sent on February 10, 2003 so that I could respond at the time of the accompanying petition for revival.

This application went abandoned unintentionally through loss of control of the application resulting from the withdrawal of the prior attorneys of record and the subsequent transmission of the Election/Restriction paper to the first named inventor who believed she had no duties with regard to the application and who discarded the Patent Office paper. The date of mailing of the restriction requirement was February 10, 2003, and the official abandonment date was a August 29, 2003.

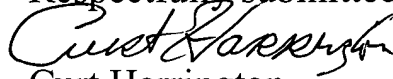
A shortened 30-day period for response was indicated, and this reply accompanies a petition for revival.

The election of species above, ELECTING SPECIES I, claims 1-24, is without traverse.

Dated: August 9, 2004

Docket 13364

Respectfully submitted:



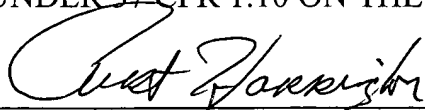
Curt Harrington

Registration Number 31,456

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 329 192 910 US

DATE OF DEPOSIT: August 09, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO EITHER:



Commissioner of Patents & Trademarks
Washington, D.C. 20231
Curtis L. Harrington, Reg. No. 31,456